

Adopted	Rejected
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COMMITTEE REPORT

YES:	20
NO:	6

MR. SPEAKER:

*Your Committee on Ways and Means, to which was referred Senate Bill 217, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete the committee report of the Committee on Agriculture,
- 2 Natural Resources and Rural Development adopted by the House of
- 3 Representatives on February 14, 2002.
- 4 Delete the title and insert the following:
- 5 A BILL FOR AN ACT to amend the Indiana Code concerning
- 6 human services and to make an appropriation.
- 7 Page 1, between the enacting clause and line 1, begin a new
- 8 paragraph and insert:
- 9 "SECTION 1. IC 2-5-27 IS ADDED TO THE INDIANA CODE AS
- 10 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 11 1, 2002]:
- 12 **Chapter 27. Commission on Mental Retardation and**
- 13 **Developmental Disabilities**
- 14 **Sec. 1. As used in this chapter, "commission" refers to the**

1 commission on mental retardation and developmental disabilities
2 established under section 2 of this chapter.

3 Sec. 2. There is established the commission on mental
4 retardation and developmental disabilities as a legislative study
5 committee.

6 Sec. 3. (a) The commission consists of the following members:

7 (1) Two (2) members of the house of representatives
8 appointed by the speaker of the house of representatives. The
9 members appointed under this subdivision may not be
10 members of the same political party.

11 (2) Two (2) members of the senate appointed by the president
12 pro tempore of the senate. The members appointed under this
13 subdivision may not be members of the same political party.

14 (3) The following members appointed by the governor:

15 (A) One (1) member at large.

16 (B) One (1) member who is a consumer of mental
17 retardation or developmental disability services.

18 (C) One (1) member who is a representative of advocacy
19 groups for consumers of mental retardation and
20 developmental disability services.

21 (D) Two (2) members who are representatives of families
22 of consumers of mental retardation and developmental
23 disability services.

24 (E) One (1) member who is a representative of an
25 organization providing services to individuals with mental
26 retardation and developmental disabilities.

27 (F) Two (2) members who are representatives of a labor
28 organization or union that represents state employees.

29 (b) The term of a commission member appointed under
30 subsection (a)(3) is three (3) years.

31 (c) The governor shall fill a vacancy of a member under
32 subsection (a)(3) within ten (10) days after the vacancy occurs.

33 (d) If:

34 (1) the term of a member appointed under subsection (a)(3)
35 expires;

36 (2) the member is not reappointed; and

37 (3) a successor is not appointed;

38 the term of the member continues until a successor is appointed.

Sec. 4. The commission shall do the following:

(1) Develop a long range plan to stimulate further development of cost effective, innovative models of community based services, including recommendations that identify implementation schedules, plans for resource development, and appropriate regulatory changes.

(2) Review and make recommendations regarding any unmet needs for mental retardation and developmental disability services, including the following:

(A) Community residential and family support services.

(B) Services for aging families caring for their children who are mentally retarded and developmentally disabled adults.

(C) Services for families in emergency or crisis situations.

(D) Services needed to move children and adults from nursing homes and state hospitals to the community.

(3) Study and make recommendations for the state to use state employees or contract with a private entity to manage and implement home and community based services waivers under 42 U.S.C. 1396n(c).

(4) Study and make recommendations regarding state funding needed to provide supplemental room and board costs for individuals who otherwise qualify for residential services under the home and community based services waivers.

(5) Monitor and recommend changes for improvements in the implementation of home and community based services waivers managed by the state or by a private entity.

(6) Review and make recommendations regarding the implementation of the comprehensive plan prepared by the developmental disabilities task force established by P.L.245-1997, SECTION 1.

(7) Review and make recommendations regarding the development by the division of disability, aging, and rehabilitative services of a statewide plan to address quality assurance in community based services.

(8) Annually review the infants and toddlers with disabilities program established under IC 12-17-15.

Sec. 5. The commission shall operate under the policies

1 governing study committees adopted by the legislative council.

2 **Sec. 6. The affirmative votes of a majority of the members**
 3 **appointed to the commission are required for the commission to**
 4 **take action on any measure, including final reports.**

5 **Sec. 7. This chapter expires January 1, 2005."**

6 Page 1, line 12, delete "closure" and insert "**downsizing**".

7 Page 2, line 6, delete "closing" and insert "**downsizing**".

8 Page 2, line 14, delete "closure" and insert "**downsizing**".

9 Page 2, line 34, delete "closure" and insert "**downsizing**".

10 Page 2, line 37, delete "all" and insert "**appropriate**".

11 Page 2, line 40, delete "closing" and insert "**downsizing**".

12 Page 2, between lines 40 and 41, begin a new line block indented
 13 and insert:

14 **"(2) A plan for allowing all Muscatatuck State Developmental**
 15 **Center employees to remain in their current collective**
 16 **bargaining units and classifications with the same or similar**
 17 **wages and benefits as current state employees. An employer**
 18 **shall recognize the current labor organization or labor union**
 19 **as the exclusive representative of the employees."**

20 Page 2, line 41, delete "(2)" and insert "(3)".

21 Page 3, line 2, delete "(3)" and insert "(4)".

22 Page 3, line 10, delete "closure" and insert "**downsizing**".

23 Page 3, line 11, delete "(4)" and insert "(5)".

24 Page 3, line 14, delete "(5)" and insert "(6)".

25 Page 3, line 17, delete "(6)" and insert "(7)".

26 Page 3, line 19, after "and" insert "**compliance with**".

27 Page 3, line 31, delete "all".

28 Page 4, between lines 5 and 6, begin a new paragraph and insert:

29 "SECTION 3. THE FOLLOWING ARE REPEALED [EFFECTIVE
 30 JULY 1, 2002]: P.L.272-1999, SECTION 67; P.L.242-2001, SECTION
 31 3.

32 SECTION 4. [EFFECTIVE JULY 1, 2002] **Notwithstanding**
 33 **IC 2-5-27-3, as added by this act, an individual who was appointed**
 34 **as a lay member of the Indiana commission on mental retardation**
 35 **and developmental disabilities in 2001 remains a member of the**
 36 **commission until:**

37 (1) the member resigns; or

38 (2) January 1, 2004;

1 **whichever is earlier.**

2 SECTION 5. [EFFECTIVE UPON PASSAGE] (a) **As used in this**
 3 **SECTION, "accrued leave" refers to the number of days the**
 4 **former employee had accrued as of the date of the employee's**
 5 **termination at the state agency for the following:**

6 **(1) Vacation days exceeding thirty (30) days.**

7 **(2) Sick days.**

8 **(3) Personal days.**

9 **(b) As used in this SECTION, "former employee" means an**
 10 **individual who:**

11 **(1) was employed at a facility operated by a state agency;**

12 **(2) was terminated from employment after February 1, 2002,**
 13 **due to the closing or downsizing of the facility operated by the**
 14 **state agency; and**

15 **(3) is not an employee of a state agency.**

16 **(c) As used in this SECTION, "state agency" includes the**
 17 **following:**

18 **(1) The division of disability, aging, and rehabilitative services**
 19 **(IC 12-9-1-1).**

20 **(2) The division of mental health and addiction (IC 12-21-1-1).**

21 **(3) The state department of health (IC 16-19-1-1).**

22 **(4) The department of correction (IC 11-8-2-1).**

23 **(d) A former employee is entitled to be paid an amount equal to**
 24 **the sum of the following:**

25 **(1) Full pay for the first thirty (30) days of accrued vacation.**

26 **(2) Sixty percent (60%) of the accrued leave days multiplied**
 27 **by the hourly rate of pay earned by the former employee at**
 28 **the time of the employee's termination.**

29 **(e) The former employee is entitled to continue to participate in**
 30 **the group health insurance program offered to state employees**
 31 **until the earliest of the following:**

32 **(1) The former employee is employed by an employer that**
 33 **provides health insurance benefits to its employees.**

34 **(2) One (1) year after the former employee's termination from**
 35 **state employment.**

36 **(3) The expiration of this SECTION.**

37 **(f) A former employee who participates in the state employee**
 38 **health insurance program under subsection (e) must pay the**

1 **employee portion of the group health insurance program. The state**
 2 **shall pay the employer portion of the group health insurance**
 3 **program.**

4 **(g) This SECTION expires January 1, 2004.**

5 SECTION 6. [EFFECTIVE UPON PASSAGE] (a) **Not later than**
 6 **July 1, 2002, the department of workforce development shall**
 7 **establish and operate retraining programs for employees of the**
 8 **Madison state hospital who are terminated from employment due**
 9 **to any downsizing of the Madison state hospital.**

10 **(b) This SECTION expires July 1, 2003.**

11 SECTION 7. [EFFECTIVE JULY 1, 2001 (RETROACTIVE)] (a)
 12 **There is appropriated to the department of workforce development**
 13 **five hundred thousand dollars (\$500,000) from the state general**
 14 **fund for the period beginning July 1, 2001, and ending June 30,**
 15 **2003, to carry out SECTION 6 of this act.**

16 **(b) This SECTION expires July 1, 2003."**

17 Renumber all SECTIONS consecutively.

(Reference is to SB 217 as reprinted January 25, 2002, and as amended by the committee report of the Committee on Agriculture, Natural Resources and Rural Development adopted by the House of Representatives on February 14, 2002.)

and when so amended that said bill do pass.

Representative Bauer